

CONFIDENTIAL

6 December 1972

MEMORANDUM FOR THE RECORD

SUBJECT: Charges of Dishonest Management of Research
Case No. 67/72

1. Sam Adams came in at my request. I told him that I had reported our conversation to Mr. Broe. Given the nature of the issue, the complaint should be in writing. It should be addressed to the Director, via the Inspector General. I told him that Mr. [REDACTED] had reported the complaint to the Executive Director, who had instructed that the matter be investigated and that the "chips fall where they may." I said that first we would complete the OER survey, which should be finished by early January. Adams said he would not have his written complaint until after the first of the year.

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2. Adams asked how he should prepare his complaint. He said he could write a very short one. I said that he had cited two specific issues -- Sihanoukville supply and Khmer Communist OB -- with possibly additional ones, as our conversation had not been completed. He should give details on each. He asked if this meant names, dates, and specifics, to which I replied in the affirmative. He asked what else would help. I suggested that he make his presentation factual and straightforward, with limited rhetoric, although he should state his conclusions. I observed that facts argue themselves quite well. He laughed and said he would.

3. I said that we were currently reviewing OER, under new management, and I did not wish to distort the survey by concentrating on the issues he had raised. I had picked the Sihanoukville question and the general question of bomb damage assessment as subjects that provided an opportunity to observe how the Office handled issues that had controversial aspects -- speaking of controversy in the larger and public forum -- in terms of how it fielded queries, and how it reviewed results, but that I did not intend to press questioning on such matters beyond that purpose for our survey, just to reinforce our knowledge about his complaints. I would plan to return to OER afterwards on these questions.

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He said that the issues were dated and that he could see that they were not properly the subject of a regular survey of a component. We spoke generally about the inspection process, and in response to his question I expressed the view that OER is generally a strong office, with interesting new problems facing it in the area of international trade and finance and in the post cease-fire period of Indochina.

4. Adams left saying he would see me after the first of the year, although he wished to bring in a short memorandum (on a subject he did not state).

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Joseph Alsop

Analyzing the CIA's Analysts

Unwittingly, the country has just been given a prime sample of the garbage that people like Daniel Ellsberg have been peddling as historical truth. The garbage sample also shows why President Nixon has put in James Schlesinger Jr. as director of the Central Intelligence Agency, to effect a forceful clean-out in some areas.

The particular pail of garbage served up at Ellsberg's trial was the testimony of Samuel Adams, an ex-CIA analyst and estimator. Adams darkly testified that in 1968, "there were political pressures from the military to display the enemy as weaker than he actually was." Normally, one must add, nothing could be more stale than an old row about just how many North Vietnamese and Vietcong troops were in the field in 1968.

This particular old row is worth examining, however, because it tells such a lot about what may be called the Ellsberg-type in government, and also about the operations of a crucial but obscure part of our government. The story begins, then, in late 1965 or early 1966, when President Lyndon Johnson declared, in effect, "Now we're in a guerilla war, I want someone to tell me just how many guerillas there are."

No one in the U.S. government has ever thought of responding to this kind of presidential command with bleak honesty, by saying: "I'm sorry, Mr. President, we just don't know." At that time, of course, no one did know, for at that time in Vietnam, our forces were not fighting guerillas—which is how you find out how many there are. We were instead fighting the enemy's big units, a necessary first stage.

Nonetheless, an incomparably ridiculous estimating process at once began among the civilian analysts in the CIA, and also among the military analysts in Saigon and the Pentagon. The system, in both cases, was to start with the ideal "table of organization" imposed by Hanoi in the South. This indicated the numbers of guerillas Hanoi regarded as desirable, at every level: hamlet, village, district and finally province.

With some difficulty, the numbers of hamlets, villages and districts in South Vietnam were ascertained. Multiplications were then made, on the basis of the ideal table of organization. The military analysts' result was 180,000 guerillas. The CIA result was 300,000 guerillas. This was because the CIA analysts, anti-war and anti-military, too, insisted upon including a huge number for the almost purely imaginary "secret self defense forces."

The first sequel was one of the most ludicrous bureaucratic wars in the often-ludicrous history of the intelligence bureaucracy. Meetings were held on both sides of the Pacific, as Adams indicated at the Ellsberg trial. Charges were hurled at the military by the civilians, and vice versa. Apparently, Adams participated. So did one of the men CIA director Schlesinger has now brought into the agency from outside, Maj. Gen. Daniel Graham—but Graham was on the side of comparative common sense.

One has to use the word "comparative," because of the second sequel. After the Tet offensive in 1968, the task of fighting guerillas was belatedly taken in hand in Vietnam. It soon became apparent that the number of guerillas had been enormously exaggerated. This was shown in other ways, too, such as the heavy, steadily increasing use of North Vietnamese replacements at all levels in the Vietcong military apparatus. North Vietnamese would never have been used in this manner, if southerners had been obtainable.

By agreement, therefore, the CIA and the army quietly reduced the guerilla total on the official "order of battle" to only 60,000 men. Thus the military analysts had been wrong by a factor of three, and the CIA analysts had been wrong by a factor of five. It is at least better to be wrong by three in

stead of five—which is why the Adams testimony is garbage.

The foregoing, one must add, was only one of the passionate errors that the CIA analysts produced in the Vietnamese war. Another specimen was the famous estimate that Hanoi was putting only minimal supplies through the Cambodian port of Sihanoukville. This estimate was later shown to be wholly false by the CIA itself.

These errors resulted, in turn, from a peculiar historical bias. Here consider the former colleagues of Samuel Adams, who were obstinately wrong about the Soviet re-invasion of Hungary, about the Soviet missiles in Cuba, and about the Soviet invasion of Czechoslovakia—all, presumably, because they did not wish to believe that such dreadful things could happen. It can be seen, then, why CIA Director Schlesinger has been given a job to do.

THE WASHINGTON POST

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CIA Analyst Says U.S. Tried To Still Him

COPYRHT

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, March 8

An analyst for the Central Intelligence Agency charged under oath today that there had been "a definite attempt on the part of the government to prevent me from testifying" as a witness in the Pentagon Papers trial.

Samuel A. Adams, who was subpoenaed to testify in defense of Daniel Ellsberg and Anthony J. Russo Jr., said that his superiors at the CIA "lied" to him in an effort to dissuade him from appearing in federal court here.

After learning of dealings between the Justice Department prosecutors in this case and an assistant CIA general counsel, Adams told the jury, he came to the conclusion that "I had been had."

The unusual testimony was the first inkling the jury has had of defense allegations that the prosecution in this case has "suppressed" evidence and tried to "silence" Adams as a witness.

U.S. District Court Judge W. Matt Byrne Jr. prohibited Adams from discussing some aspects of the situation—including matters that have previously occurred in court out of the presence of the jury—but admitted the testimony on the narrow issue of whether Adams is "biased or prejudiced" against either side in the case.

That was the impression which chief prosecutor David E. Nissen sought to give during extended cross-examination of Adams today.

Nissen's questions were apparently aimed at portraying the intelligence analyst as a chronic complainer within the CIA, who once accused top

military officials of being in a "conspiracy" to fabricate data on Vietnamese Communist troop strength.

Adams has held that view for several years now, and that was the thrust of his original testimony for Ellsberg and Russo—that some of the top-secret documents which they duplicated in 1969 contained falsified statistics on the "enemy order of battle." As a result of those statistics being inaccurate and the documents being "dated" at the time, Adams testified, they would have been "virtually useless" if they had fallen into the hands of a foreign nation's intelligence apparatus.

When he first read newspaper reports of testimony to the contrary from a prosecution witness, Lt. Gen. William DePuy, Adams urged his superiors to send internal CIA

memoranda he had written on the "order of battle" to the Justice Department for transmission to the court here.

The intelligence analyst felt that he had evidence which might tend to establish the innocence of the defendants—namely, that U.S. military officials had intentionally underestimated the opposing forces in Vietnam in order to create "the impression that there was light at the end of the tunnel."

Questioned by the judge this afternoon, Adams said he was "advised by assistant CIA General Counsel John K. Greaney that his mem-

oranda had been submitted to the court, only to learn later that they had not at the time actually been turned over to the judge.

Greaney told Adams in a written memo on Feb. 9 that, according to a message transmitted from Nissen through the Justice Department, the judge had decided the material was not "exculpatory" and so there would be no need for the Adams testimony here.

On the basis of that advisory, Adams said today, he decided to "desist" from his efforts to bring the evidence before the court himself.

It was on Feb. 17, when talking with Morton H. Halperin, a former Defense Department official who is a consultant to the defense attorneys here, that Adams learned this information was "inaccurate," he testified today.

The prosecution has denied that it made any attempt to suppress Adams' evidence, and Greaney—in an affidavit submitted to the court two weeks ago—said the allegation that he sought to persuade the CIA analyst not to testify was "absolutely false."

Adams has now been on the witness stand for three days, far longer than originally anticipated, and this has delayed the testimony of McGeorge Bundy, who was national security adviser to the late Presidents Kennedy and Johnson and is now president of the Ford Foundation.

It was also revealed in court today that the defense had subpoenaed a recently retired Army colonel, Gaines Hawkins, of West Point, Mississippi, to corroborate Adams' testimony on the alleged fabrication of the "order of battle" but that Hawkins on arrival in Los Angeles had declined to cooperate with defense attorneys and had been dismissed from the subpoena.

CPYRGHT

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CIA Analysis Attacked at 'Papers' Trial

By Sanford J. Ungar

Washington Post Staff Writer

LOS ANGELES, March 7 — A Justice Department prosecutor sought today to discredit the Central Intelligence Agency's method of estimating the number of Communist forces fighting in Vietnam.

David R. Nissen, the chief government attorney in the Pentagon Papers trial, suggested that if CIA guidelines were followed, "the entire population" of South Vietnam might have to be counted among the Communist troops there.

Nissen was cross-examining Samuel A. Adams, a CIA intelligence analyst who testified in federal court here Tuesday that American military officials in Vietnam had issued reduced estimates of the opposing forces while they were actually increasing in numbers in the late 1960s.

Subpoenaed as a defense witness for Daniel Ellsberg and Anthony J. Russo Jr., Ad-

ams has been at the center of an internal government controversy for several years over who should be included in calculations of the "enemy order of battle" in Vietnam.

Under questioning by Nissen, Adams acknowledged today that the CIA's responsibility in the area was "cloudy," while the U.S. Military Assistance Command in Vietnam (MACV) had a clear mandate to file monthly reports on the subject.

But the intelligence analyst stood by his earlier testimony that MACV removed "components" of the Communist forces, including "self-defense" fighters, from its "order of battle" in order to make the other side appear weaker than it was.

Because it was based on the MACV statistics, Adams said, the "National Intelligence estimate" for 1967—from which American policy in Vietnam was evolved—was "less than candid."

He testified that there were "peculiar" aspects to the way the figures were arrived at, including directions from ranking officers to use deliberately low estimates of some parts of the Communist forces.

The CIA researcher also ridiculed the Army's method of deciding who should be included in the statistics.

No Communist units was entered in the "order of battle," he said, unless American or South Vietnamese troops either "took a prisoner or captured a document" from that unit.

Under that standard, anti-aircraft units that fired on American planes were not included, Adams testified. "The pilots got flak in the air, but this didn't fit the criteria," he said.

Nissen's questions were apparently aimed at showing the jury that MACV's standards and statistics on enemy forces were more reasonable and realistic than the higher ones issued by the CIA, which, after August 1966, were compiled under Adams' direction.

The point is an important one in this trial, because MACV's "order of battle" statistics are cited in some of the top-secret document duplicated by Ellsberg and Russo in 1969, including a 1968 memo by Gen. Earle C. Wheeler, then Chairman of the Joint Chiefs of Staff, assessing the ing."

rate, this would lend credibility to government witnesses who said that disclosure of the documents could have endangered the U.S. "national defense."

Adams and other defense witnesses contend that the disclosure was "virtually useless" to foreign nations.

The irony of the Justice effects of the Communists' offensive.

If those statistics were accurate, the Department's position here in support of the MACV figures is that, according to Adams and published reports, the White House and National Security Council began relying on the CIA figures immediately after the Communists' Tet offensive and have done so ever since.

There was a blowup in the courtroom when U.S. District Court Judge W. Matt Byrne Jr. discovered that Russo had added "the people" to Adams' chart of the components in the Vietnamese Communist forces.

"This ease is not being tried in a humorous vein," the judge scolded Russo. The defendant said he was "not trying to be humorous," but to "flesh out" the chart.

After a conference with his attorney, Leonard I. Weinglass, Russo apologized. Byrne told him that "any future such conduct will be dealt with in a way other than just a warn-

ARMY IS DEFENDED ON ITS TROOP DATA

**C.I.A. Analyst Is Questioned
by Ellsberg Prosecutor**

CPYRGHT

By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, March 7—
The Government attempted today at the Pentagon papers trial to shore up the accuracy of the Army's estimates of enemy troop strength in Vietnam and at the same time to discredit a Central Intelligence Agency analyst who challenged those estimates.

Thus the Government found itself fighting in court to give credence to statistics that the Government itself stopped using after the Tet offensive in 1968.

The issue was the Order of Battle, the estimates that an army gives of the number of troops opposing it in combat.

Yesterday, Samuel A. Adams, the analyst, who was the third defense witness, testified that there were "political pressures in the military to display the enemy as weaker than he actually was." The defense contends that this was an effort to make it appear as if the Army was winning the war.

Two Were Prepared

Mr. Adams said that after the Tet offensive in 1968, two Orders of Battle were prepared each month, one by the Army and one by the Central Intelligence Agency. The latter was used by the Government because it was more accurate, he said.

Today, on cross-examination, David R. Nissen, the chief prosecutor, asked Mr. Adams whether it was not true that he objected to the Army's Order of Battle in 1967 and that the national intelligence estimates of that year still supported the Army.

Yes, the analyst agreed, that was true.

Mr. Nissen asked if Mr. Adams's complaints about the Order of Battle had been in "your organization" heard by "very competent and senior people" who were apparently willing to go along with the Army's figures.

Again, Mr. Adams agreed that this was true, but he reiterated that the national intelligence estimates changed "after the Tet offensive" to use the C.I.A. figures, not the Army's.

Mr. Adams was asked what he meant by "political pressure" and whether "the President" or other high-ranking officials were forcing the use of lower Order of Battle estimates, and he answered that he had "heard discussions of that."

He said that on "two occasions I was told in private by [Military] officers that what I was espousing was true" but that in public the officers kept repeating the lower Order of Battle estimates.

Mr. Adams said that he knew not only from his own C.I.A. studies, but also from the Army's use of figures that the Army was fabricating the Order of Battle figures. This was done, he said, by not putting into them all the components that the agency used.

He gave this example. The Army's criteria for adding enemy troops to the Order of Battle were information contained either in captured enemy documents or in prisoner of war interviews.

But, he said, "pilots flying over an area would report anti-aircraft flak, but the military wouldn't put it [the antiaircraft troops below] in their Order of Battle because there was no captured document or prisoner of war report."

Order of Battle

"It was my feeling that if you see someone shooting at you, you put it in the Order of Battle," he added.

To show the various enemy forces that the agency considered part of the proper Order of Battle, Mr. Adams wrote them out yesterday on a large piece of paper on an easel, and this led to the judge's admonishing one of the defendants, Anthony J. Russo Jr.

Mr. Adams had written on the paper, for the jury to see, the following components: main/local forces, combat support, irregulars and political cadre.

During a court recess, Mr. Russo added a fifth item, "the people." Mr. Nissen complained, and Federal District Court Judge William Matthew Byrne Jr. asked who had added an item.

"I wanted to flesh it out," Mr. Russo said.

"This case is not being tried in a humorous vein," Judge Byrne replied.

"I apologize to the court," said Mr. Russo.

The judge then told him that if he did such a thing again he would not get off with a simple "warning."

Judge Byrne said that Mr. Russo was also being unfair to his co-defendant, Daniel Ellsberg, who was being "put in jeopardy." All this occurred before the jury returned from the recess.

The cross-examination of Mr. Adams will continue tomorrow morning.

The next defense witness is scheduled to be McGeorge Bundy, special assistant to Presidents Kennedy and Johnson for national security affairs, who is now president of the Ford Foundation.

Dr. Ellsberg and Mr. Russo are standing trial on six counts of espionage, six counts of theft and one count of conspiracy.

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Ellsberg Witness Asserts Military Falsified Reports

CPYRGHT

By MARTIN ARNOLD

Special to The New York Times

LOS ANGELES, March 6. A Central Intelligence Agency analyst testified today at the Pentagon papers trial that he had attended conferences in Saigon and Hawaii and at the agency, in which the military purposely diminished estimates of enemy strength in Vietnam.

The witness, Samuel A. Adams, said that there were political pressures in the military to display the enemy as weaker than he actually was.

He did not say why, but the defense contends that this was done to make it appear that the Army was winning the war.

Mr. Adams said that the monthly estimates of the enemy's military strength, called the order of battle, were prepared for the press and for the White House and that they were so inaccurate that after the enemy's Tet offensive in 1968, two official sets of estimates had to be put together

each month, one by the Army, the other by the agency.

The Adams testimony pertains to a 1968 Joint Chiefs of Staff memorandum, eight pages of which are among the 20 "top secret-sensitive" documents in this case.

A Government witness, Lieut. Gen. William G. Depuy, assistant to the vice chief of staff of the Army, has testified that disclosure of those eight pages damaged the national defense, was of advantage to a foreign nation and could have helped Hanoi during the Vietnam war.

An example of the information that could have helped Hanoi, General Depuy said, was the American estimates of the enemy order of battle.

Mr. Adams said that he believed the memorandum, written after the early Tet offensive in 1968, "would be virtually

useless to a foreign nation.

The memorandum gave the enemy order of battle at 240,000 troops, which Mr. Adams said "was not the best estimate of how many foemen there were."

He told the jury that an order of battle was "our estimate of how many baddies there are against us."

Harvard Graduate

Mr. Adams, 38 years old, is a direct descendant of his colonial namesake. He is a Harvard graduate who attended Harvard Law School for two years and who served as a Navy officer for "three years, four months, eleven days" before joining the C.I.A. in March, 1963.

He is a tall, slightly pudgy man, and he was wearing a blue suit and a red tie when he testified. The tails of his white shirt hung out as he told the jury, "I'm a researcher and not a spy, which is why I can come up here and talk."

He said that between October, 1965, and April, 1972, he worked almost exclusively in the agency doing research on the Vietcong, both at the agency offices in Langley, Va., and in Vietnam, "trying to dope out what made those guys tick, keep going in face of what we could throw at them."

At one point, Mr. Adams used a green marking pen to show upon a large pad on an easel how the military subtracted various "components" of the enemy — the guerrilla forces, for instance — "purposely" to lower the order of battle estimates.

Pentagon East

He said that at the various conferences held at the agency and in Hawaii and Saigon, which he called "the Pentagon East," the "intelligence community" debated with the military the accuracy of the order of battle estimates.

At one such conference, he said, the Army's top public relations general was present.

which "was unusual." Also attending, Mr. Adams said, were representatives of Gen. William C. Westmoreland, then commanding officer of the Army in Vietnam, and of the National Security Agency, the Defense Intelligence Agency and the State Department.

Mr. Adams was questioned by Charles R. Nesson, a Harvard law professor who is one of the defense attorneys. The analyst said that in view of the damage the enemy inflicted during the 1968 Tet offensive, the Army's official order of battle estimates were "inherently unbelievable" and that "it is my belief the 240,000 figure was purposely low."

Studies by Adams

He said that he based that belief on his own studies, based on information from captured enemy documents, among other things, and from statements by General Westmoreland, where he said at a news conference [in November, 1967] that the enemy is running out of men, more specifically out of guerrillas."

The order of battle referred to in the 1968 joint Chiefs of one quoted by General Deputy said:

"The enemy has been hurt badly in the populated lowlands, is practically intact elsewhere. He committed over 67,000 combat maneuver forces plus perhaps 25 per cent, or 17,000, more impressed men and boys, for a total of about 84,000. He lost 40,000 killed, at least 3,000 captured, and perhaps 5,000 disabled or died of wounds. He had peaked his force total to about 240,000 just before Tet, by hard recruiting, infiltration, civilian impressment, and downwards on service and guerrilla personnel."

400,000, Not 240,000

Mr. Adams said that the correct order of battle would have shown at least 400,000 enemy troops, not 240,000.

The analyst said that he had read about General Depuy's testimony in The New York Times and that he had recalled writing reports showing that the general's figures were wrong.

Earlier in the trial, after a battle between the defense and the Government, Federal District Court Judge William Matthew Byrne Jr. ruled that the Adams reports must be turned over to the defense because they were exculpatory material.

That is, they were evidence in the possession of the prosecution that would tend to prove the innocence of the defendants, Daniel Ellsberg and Anthony J. Russo Jr., who are accused of six counts of espionage, six counts of theft and one count of conspiracy. The judge refused to allow Mr. Nesson to question Mr. Adams on what the defense contends were the Government's attempts to suppress those reports.

C.I.A. Agent Wages Lonely Battle for Vietnam Data

CPYRGHT

By SEYMOUR M. HERSH

Special to The New York Times

WASHINGTON, Feb. 24 — Samuel A. Adams is a direct descendant of his colonial namesakes, a Harvard man and an official of the Central Intelligence Agency who was once in charge of estimating the strength of Vietcong units in South Vietnam.

For nearly six years, Mr. Adams has been waging a one-man campaign against top Army officers who he believes deliberately falsified critical intelligence information a month before the Vietcong began their devastating Tet offensive at the end of January, 1968.

In essence, Mr. Adams, who is about 38 years old, has worked for the C.I.A. for the last 10 years, wants the Army to begin a full investigation into the distortion of intelligence that he says was ordered by top officers working in the headquarters of the Military Assistance Command in Vietnam, or MAC V, then headed by Gen. William C. Westmoreland. General Westmoreland, who later became the Army Chief of Staff and a member of the Joint Chiefs of Staff, retired from the Army last summer.

The Army and the C.I.A. have

refused to make such an investigation.

In 1967, the issue of enemy strength was a critical one. Mr. Adams and his colleagues at the C.I.A. were convinced that Army intelligence officials were deliberately underestimating the number of Vietcong guerrillas, apparently to bolster their contention that the Army's controversial search-and-destroy tactics were successful in reducing the number of Vietcong.

Mr. Adams's protests then, all made in a 35-page memorandum circulated among Government officials, got to the attention of the Presidential Foreign Intelligence Advisory Board, a high-level intelligence group, but no inquiry was held. The C.I.A. refused to permit Mr. Adams to forward his memorandum to the advisory board, which had requested the document.

Testimony Challenged

Now, Mr. Adams has again raised the issue—still within the Government—by contending that his allegations may have a bearing on the Government's prosecution of Daniel Ellsberg and Anthony J. Russo Jr. in the Pentagon papers case, now being tried in Los Angeles.

Early this month, Mr. Adams offered a number of documents

to the Justice Department that, he alleged, refuted a key prosecution witness's testimony in the trial to the effect that publication of a highly classified series of Joint Chiefs of Staff memorandums dealing with enemy strength could be helpful to the enemy. The Government contends that publication of such documents in the Pentagon papers in 1971 was dangerous to American forces in Vietnam.

Introduced as Evidence

In the documents, Mr. Adams wrote that his concern about the integrity of the raw intelligence cited in the Joint Chiefs of Staff papers "led me to question whether the release of these statistics helped enemy intelligence or harmed American forces in Vietnam," as alleged by a key defense witness, Lieut. Gen. William G. DePuy.

Most of Mr. Adams's documents were eventually introduced into evidence by the court, after a bitter complaint by attorneys for Dr. Ellsberg and Mr. Russo who alleged that the Federal prosecutor in the case attempted to disguise the significance of the Adams allegations by, among other things,

not describing him as an official of the C.I.A.

The documents provide a rare glimpse into the give-and-take among the agencies involved in the production of a top-secret national intelligence estimate for the White House.

Mr. Adams specifically contended that the deliberate downgrading of Vietcong strength estimates began at a Saigon conference of C.I.A. and Mac V intelligence experts in September, 1967, and continued for months. "The possibility was raised," Mr. Adams says of his research, "that General Westmoreland may have originated the orders which led to the fabrications."

Speech Recalled

By that fall, General Westmoreland and other senior officials were repeatedly saying in public that the strength of the Vietcong was "declining at a steady rate." For example, in a speech in November, 1967, to the National Press Club here, General Westmoreland said that the enemy's "guerrilla force is declining at a steady rate. Morale problems are developing within his ranks."

The basic for these assertions, Mr. Adams wrote in the documents released by the court, was an order given to military intelligence officers shortly before the Saigon conference open in September, 1967. That order flatly forbade the military men to accept an enemy troop strength total higher than that provided in a paper that, according to Mr. Adams, was prepared by high-ranking Mac V officials. The paper was given to officers at the conference, he alleged.

The C. I. A. analyst said the military men had been ordered to arbitrarily lower the estimates on the various categories fixed by the Army—ranging from mainline Vietcong units to local irregulars—as the conference proceeded.

Army officials said last week that, "based on the information presently available," they do not "intend to investigate the Adams allegations." Some well-informed Army sources indicate that military investigators believe Mr. Adams's charges to be ridiculous.

Mr. Adams, who is said to be a fourth cousin, seven times removed, of John Adams, the second President of the United States, has refused to discuss the case with reporters.

His friends acknowledge that his one-man battle has done little to advance his career in the C.I.A.—he was recently transferred from a job dealing with current intelligence to a lower-status position concerned with long-range research projects—but professed admiration for his integrity.

"The trouble with Sam is that he has always been right," one former colleague remarked. "He always told the truth and never scared whose toes he stepped on."

U.S. Witness Forgetful in Ellsberg Trial

CPYRGHT

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, Feb. 21—A Los Angeles advertising woman testified today that she helped Daniel Ellsberg and Anthony J. Russo Jr. photocopy the top-secret Pentagon Papers at her office in Hollywood over a two-week period in late 1969.

Lynda Resnick, who said she was Russo's girl friend at the time, recalled that she and Ellsberg's teen-aged son, Robert, cut the security classification off each photocopied page.

She also remembered that "Dan didn't want me to read any of the documents . . . Because I had no security clearance and they were not my business.

"You have to go through a lot of trouble to Xerox something and not look at it," she said.

But that was about the extent of Mrs. Resnick's specific recollection of events. She said that most other details, including some that she discussed during two appearances before a federal grand jury here in 1971, had been blurred by the passage of time.

Because she participated in their reproduction of the documents, she is listed—under her previous name of Lynda Sinay—as a co-conspirator in the indictment of the two defendants on charges of conspiracy, espionage and theft of government property.

In exchange for her grand jury appearances, the Justice Department twice granted Mrs. Resnick immunity from prosecution. She has since cooperated with chief prosecutor David R. Nissen in the preparation of his case.

Nonetheless, there seemed little doubt here today about whose side she is on.

Asked by Nissen when she first took the witness stand how she knew Ellsberg and Russo, Mrs. Resnick beamed and said of each man, "He's a friend."

"When did you last talk with them?" Nissen asked.

"This morning," she replied.

One tense moment came when Nissen asked her to read the transcript of her grand jury testimony on Oct. 13, 1971, to "refresh your recollection" about whether Ellsberg had told her that the Pentagon Papers came from a top-secret vault at the Rand Corp.

"You want to know if this makes me remember?" Mrs. Resnick asked. "I knew where they were from. I had a sense of knowing it. But I don't remember who told me."

The prosecutor then asked whether the grand jury transcript was an accurate record of her statements in October, 1971.

"How could I possibly remember that?" she asked Nissen with a scolding tone and an angry look. "I don't remember whether I did (make those statements to the grand jury) or not."

Mrs. Resnick's inability to remember exactly who told her what and when deprived the prosecution of much of the

testimony it wanted from her. Anything she described as her "understanding" or "impression" was stricken from the trial record by U.S. District Court Judge W. Matt Byrne Jr.

At one point, Nissen suggested that she had "recently suffered some reduction of memory" about facts essential to the case. But Mrs. Resnick insisted she had not, and she later told reporters that "I was not trying to hide anything."

One thing she did remember was that Ellsberg, who was

about to leave the Rand Corp. staff in late 1969, had certain documents in his safe that he had authored or co-authored and wanted to take with him. So he wanted to make copies."

(Ellsberg worked on the Defense Department task force that compiled the Pentagon Papers, a history of U.S. involvement in Southeast Asia.)

Later, under cross-examination by defense attorney Leonard Boudin, Mrs. Resnick recalled that Ellsberg had wanted to give copies of the documents to Sen. J. William Fulbright (D-Ark.) chairman of the Senate Foreign Relations Committee.

Mrs. Resnick said that Ellsberg gave her "either \$150 or \$300" to reimburse her for use of the Xerox machine at her second-story advertising agency, Sinay and Associates, on Melrose Avenue in Hollywood.

As for the other people the prosecution claims were present during the photocopying, Mrs. Resnick had only these recollections:

• Kimberley Rosenberg, Ellsberg's girl friend at the time, "came up for a moment with some apples. It was a social visit." (Miss Rosenberg was originally expected to be a witness in the case, but apparently could not be found by the prosecution.)

• Vu Van Thai, the former South Vietnamese ambassador to Washington, who is also named as a co-conspirator in the case, "met us there once to go out to dinner."

After Mrs. Resnick left the witness stand, Nissen called an FBI fingerprint expert to testify. But the evidence was delayed by a dispute over the authenticity of Vu Van Thai's fingerprints.

At the end of the day, Byrne tentatively denied a defense motion to dismiss Nissen from the case for alleged prosecutorial misconduct.

However, the judge ruled that the Justice Department must turn over to the defense a report compiled by Samuel A. Adams, a Central Intelligence Agency analyst, that challenges the statistics in a key prosecution exhibit against Ellsberg and Russo.

Nissen declined to do so, on orders from his superiors in Washington, but promised to check back with them overnight. The defense contends that Nissen suppressed Adams' report and tried to "silence" him as a witness in the case.

Ellsberg, Russo Say Prosecutor Hid Evidence

CPYRGHT

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES, Feb. 20—

Daniel Ellsberg and Anthony J. Russo Jr., defendants in the Pentagon Papers trial, today demanded that the chief government attorney prosecuting them be removed from the case and held in contempt of court for alleged misconduct.

They claimed that the prosecutor, David R. Nissen, had attempted to "silence a witness,"

a Central Intelligence Agency official who says that some of the government evidence in the case is based on falsified military statistics.

The CIA employee, Samuel A. Adams, has apparently been trying for weeks to bring this information to the attention of U.S. District Court Judge W. Matt Byrne Jr., who is presiding over the trial.

Adams met last Saturday in the CIA general counsel's office in Washington with a consultant to Ellsberg and Russo, but declined to provide the material directly to him. However, Adams was promptly subpoenaed as a defense witness in the case.

On the basis of Saturday's interview and other recently obtained information, defense attorneys today filed a 50-page legal memorandum with the judge asking once again for dismissal of the 15-count indictment of Ellsberg and Russo on charges of conspiracy, espionage and theft of government property.

As a fallback position, the attorneys took the unusual step of demanding the removal of Nissen and of another Justice Department attorney in Washington "from further connection with this case."

The defense attorneys also requested that:

- Nissen be held in contempt of court for "concealment and suppression of evidence."
- The testimony of two Army generals who have appeared as prosecution witnesses in the trial be stricken from the court record.
- The prosecution be banned from offering any evidence from one of 20 top-secret documents mentioned in

the indictment, a 1968 report of Gen. Earle C. Wheeler, then chairman of the Joint Chiefs of Staff, assessing the effects of the Vietnamese Communists' Tet offensive.

That document is specifically included in 10 counts of the indictment. While not actually part of the Pentagon Papers, it was among the material that Ellsberg allegedly removed from the Rand Corp. and later duplicated with Russo's assistance.

Adams, on the basis of his research for the CIA, contended in a memo to his superiors last December that the Wheeler report was based on "numbers which had been deliberately fabricated in late 1967" by American military officials in Vietnam.

Among the falsified data, according to an affidavit signed by Adams and filed with the court here today, are estimates of the numbers of troops committed to the 1968 Tet offensive by the Vietnamese Communists.

Those estimates were cited by Lt. Gen. William G. DePuy in his testimony in the case last month as some of the most sensitive material in the Wheeler report, whose disclosure he said might even have helped the Communists plan their new offensive last year.

Adams's name first came to attention here in a filing by Nissen on Feb. 7 which was taken by both the judge and the defense attorneys to be a facetious complicity with Byrne's order that the prosecution report all information

which might tend to establish the innocence of the defendants.

Not identifying him as an employee of the CIA, but giving his home address in Leesburg, Va., the filing said, "A Mr. Samuel A. Adams . . . has expressed the view that he has information which would rebut statements of government witness William DePuy as reported in a newspaper."

The defense did not take the matter seriously until it learned—at a Los Angeles cocktail party that Adams works for the CIA.

A C.I.A. Analyst Disputes General in Ellsberg Trial

CPYRGHT

By MARTIN ARNOLD

Special to The New York Times

LOS ANGELES, Feb. 20—An He now says that affidavit by an analyst for the Central Intelligence Agency that "the statistics were derived from numbers which had been disputing a general's testimony from numbers which had been deliberately fabricated in late 1967." He says that he read in papers trial and led today to 1967." He says that he read in a defense demand that the chief prosecutor be removed from the case for misconduct.

Attorneys for Daniel Ellsberg and Anthony J. Russo Jr., the defendants, also asked that the prosecutor, David R. Nissen, be held in contempt on the ground that he had attempted "to silence a witness," the C.I.A. analyst, and that he "has once again sought to suppress" evidence.

On the same ground, the defense again filed a motion to dismiss the entire case.

The analyst is Samuel A. Adams. According to his affidavit, he read in The New York Times on Jan. 20, 1973, an article reporting the testimony of Lieut. Gen. William G. DePuy, a Government witness.

General DePuy told the jury that the disclosure of the Pentagon papers and also particularly the disclosure of a 1968 Joint Chiefs of Staff memorandum could have been helpful to Hanoi during the Vietnam war.

General DePuy helped write the Joint Chiefs of Staff memorandum, which is one of the 20 documents involved in this case, and in his testimony he cited statistics from it purporting to be the numbers of troops that the Communists committed to the Tet offensive in January, 1968.

These statistics were called "the Vietnamese Communist order of battle," and part of Mr. Adams's job at the intelligence agency from late 1965 to April, 1972, was to analyze and report on those statistics.

was giving the same statistics to the jury in this case.

On Jan. 24, his affidavit says, he sent a memorandum to Lawrence Houston, general counsel of the intelligence agency, and asked that the facts "be brought to the immediate attention of the Department of Justice because it seemed to me to bear on the Pentagon papers trial."

When he did not hear from Mr. Houston, Mr. Adams, who believed that the facts constituted exculpatory material, sent a second memorandum to Mr. Houston. This memo said that if Mr. Adams had not heard from Mr. Houston by noon on Feb. 1, 1973, the analyst would send his own material directly to the Justice Department, according to the affidavit.

Exculpatory material is material possessed by the prosecutor that would tend to prove the innocence of the defendant, and the prosecutor has an obligation under the Constitution to turn it over to the defendant.

On Feb. 1, the affidavit says, Mr. Adams was informed by Mr. Houston that the material had been sent to the Justice Department, and the following day he was asked to prepare a memorandum of record entitled "Possible Exculpatory Evidence."

He was assured that this would be sent to Mr. Nissen here to be turned over to Federal District Court Judge William Matthew Byrne Jr., who is presiding over the trial.

Mr. Adams said that he would abide by the judge's decision on whether it was exculpatory and would not communicate with the defense.

CPYRGHT

Ruling Reported

On Feb. 9, Mr. Adams says, he received a memorandum from John K. Greaney, assistant general counsel to the C.I.A., informing him that the Justice Department had said that Mr. Nissen had discussed Mr. Adams's material with the judge and that the judge had ruled that it was not exculpatory.

The 1968 Joint Chiefs of Staff memorandum is involved in 10 of the 15 counts against the defendants, and in one of those counts it is the only document.

Today the judge said in court that he had never discussed the Adams material with Mr. Nissen and that it could in fact be exculpatory. He ordered it turned over to the defense, but Mr. Nissen refused to comply.

In addition to asking the judge to take action against Mr. Nissen and to dismiss the

case, the defense also asked, as a lesser remedy, that the Government be precluded from offering any evidence on the Joint Chiefs of Staff memorandum and that all of General DePuy's testimony and testimony pertaining to the memorandum by another Government witness, Brig. Gen. Paul F. Gorman, be stricken from the record.

The judge set tomorrow afternoon for an oral argument on the motions.

Meanwhile, a Government witness, Jan Butler, a Rand Corporation employee who used to be Rand's top secret control officer, testified today that until May 20, 1970, the copy of the Pentagon papers that Dr. Ellsberg is accused of copying was not in the regular Rand security system and that the particular set of the papers involved in this case was listed in Rand's computer as being

classified material controlled by the corporation.

The defense contends that the particular 18 volumes of the 47-volume Pentagon papers that Mr. Ellsberg is accused of copying was not in the Rand security system and that Dr. Ellsberg had a special relationship to them. Miss Butler testified that when she first heard of these volumes they were in fact referred to as the Ellsberg papers.

She testified under cross-examination that she was not now and never had been a Government employee. This is important because the indictment accuses Dr. Ellsberg and Mr. Russo of, among other things, failing to deliver the documents "to the officer or employee of the United States entitled to receive them."

Dr. Ellsberg and Mr. Russo are accused of eight counts of espionage, six counts of theft and one count of conspiracy.